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AUG 29 2005

DIRECTOR OFFICE
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In re Application of: Nagasuka, et al.
Application No. 10/804,942
Filed: March 18, 2004
For: STORAGE MANAGEMENT METHOD

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the renewed petition filed 06 July 2005, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special. The renewed petition was filed in response to a dismissal of the original petition filed 22 February 2005.

The Petition is **DENIED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

...

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The original petition was dismissed for failing to meet requirement (e).

The renewed petition filed 06 July 2005 also fails to adequately meet requirement (e). The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the references. At least some of the limitations purporting to distinguish some of the independent claims from the references are not in these claims. Claim 8 fails to require "obtaining from the disk management table a physical address of a volume belonging to a same group as a group identifier input from the management computer" (emphasis added). Claim 2 fails to require "obtaining from the disk management table a physical

address of a volume belonging to a same group as a group *identifier* input from the management computer" (emphasis added).

Petition to Make Special **DENIED**.

The application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

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